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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/414,307	10/06/1999	DAVID W. RITTER	MLNR-07100	3112

28960 7590 03/26/2003  
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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/414,307

Applicant(s)

David Ritter et al.

Examiner

Shawn An

Art Unit

2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 27, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-44 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. As per Applicant's instructions in Paper 3 as filed on 1/27/03, claims 1, 10, 26, and 32 have been amended.

### ***Response to Remarks***

2. Applicant's remarks filed on 1/27/03 have been fully considered but they are not persuasive. The Applicants present arguments of which Ely and Cooper et al's references do not teach: A) a controller coupled to the video decoder coupled to the video decoder for conditioning the video decoder according to a parameter or a plurality of parameters representative of the selected one of the video signals; B) the video decoder coupled to the selector (Cooper emphasized); and C) a memory device for storing parameter in a storage location.

However, after careful scrutiny of the above reference, the Examiner must respectively disagree, and maintain the grounds of rejection for the reasons that follow.

In response to A), Ely disclose a controller (104) coupled to the video decoder (118) for conditioning the video decoder according to a plurality of parameters (command signals) representative of the selected one of the video signals (col. 9, lines 6-15). In contrast to the Applicant's argument, since the claim limitation is broadly written, and interpreted as such, the Examiner considers command signals as meeting the recited claim limitation 'parameters'.

Moreover, Cooper et al clearly disclose a controller (200) coupled to the video decoder (233) for conditioning the video decoder according to a plurality of parameters (231a,b; 280; 239; 260; 211-214) representative of the selected one of the video signals.

In response to B), Ely already discloses the video decoder (118) being coupled to the selector (112 LAN). Cooper et al discloses the video decoder (118) being coupled to the selector

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(200) (note: a selection of the video signals are performed by the controller. See abs.). Therefore, the controller in Cooper et al is considered the selector.

In response to C), Ely discloses a memory device (storage device) for storing parameters (command signals) in a storage location (col. 3, lines 37-46).

Furthermore, the Applicant is reminded that the *35 USC § 103* rejections are based on combinations of references. Moreover, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-3, 10-12, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ely (5,982,418) as was previously set forth in the last Office action as Paper 2 as filed on 10/23/02.

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 10-18, 22-23, 26-31, 33-39, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al (5,870,139) as was previously set forth in the last Office action as Paper 2 as filed on 10/23/02.

7. Claims 8-9 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al as applied to claims 1 and 10 above, respectively, and further in view of Vincent (5,436,659) as was previously set forth in the last Office action as Paper 2 as filed on 10/23/02.

8. Claims 19-21 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al as applied to claims 10 and 26 above, respectively, and further in view of Holmes (4,167,021).

***Allowable Subject Matter***

9. **Claim 32** is objected to as being dependent upon a rejected base claim 26, but would be allowable: if claim 32 is rewritten in independent form including all of the limitations of the base claim 26 and any intervening claims. Dependent claim 32 recite the novel features of:

forming a predicted value for the parameter comprising the steps of;

- a) calculating a difference between prior value obtained for the parameter and a current value obtained for the parameter; and

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b) combining the difference with the current value.


Accordingly, if the amendments are made to the claims listed above, and if rejected claims are canceled, the application would be placed in condition for allowance.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday through Friday.

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



SSA

March 21, 2003